

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

118

2023:PHHC:070437
CRM-M-24723-2023
DECIDED ON: 16.05.2023

Komal Rani and another

.....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Ankush Singla, Advocate, for the petitioners.

SANJEEV PRAKASH SHARMA, J (ORAL)

Learned counsel for the petitioners submits that the concerned Judicial Magistrate has not passed any speaking order nor he has given any opportunity of hearing to the petitioners before framing of charge and the charges have been framed without application of mind.

Law is very settled that at the stage of framing of charges, the accused-petitioners have a right to submit their arguments on the basis of record which has been received by them under investigation to state that the case is not made out against them. The Court is obligated to hear the parties and pass a speaking order.

This Court finds that no order speaking or otherwise has been passed and directly charges have been framed.

Accordingly, the order dated 22.12.2022 (Annexure P-5) framing the charges against the petitioners is set aside. Therefore, granted liberty to the petitioners to move an appropriate application and direct the concerned Judicial Magistrate to hear the petitioners along with the submissions which they only have submitted before this Court and pass a speaking order.

With the aforesaid liberty, the petition is disposed of.

16.05.2023
mamta

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No